



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Parks and Recreation

ACM: Christine Taylor, Assistant City Manager

DATE: May 20, 2025

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton making a finding, pursuant to the requirements of Chapter 26 of the Texas Parks and Wildlife Code, that (1) there are no feasible and prudent alternatives to the change in use of approximately 4.3689 acres of city park land for a public utility easement, located within a portion of Vintage Park and Tamarack Park in the City of Denton, Denton County, Texas, for the purpose of installing and maintaining an underground sanitary sewer line that serves the southwest side of Denton, and (2) finding that all reasonable planning has been done to minimize harm to the land as a park, and providing an effective date.

BACKGROUND

These properties are currently undeveloped but include plans to develop trails in the future. Hillwood Communities, on behalf of the City of Denton Public Works, has requested dedication of a portion of land within the above-mentioned parks to serve as public utility easements for the sanitary sewer line Roark Branch, which will service the southwest region of Denton. (See table below for details).

| Type of Request | Acres Impacted |
|--|----------------|
| Vintage Park - 20' Temporary Construction Easement | 0.3836 Acres |
| Vintage Park – Variable width Public Utility Easement | 2.6535 Acres |
| Tamarack Park – Variable width Public Utility Easement | 1.3318 Acres |

State law as defined in Chapter 26, *Protection of Public Parks and Recreational Lands*, of the Texas Parks and Wildlife Code requires that:

- (a) a municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park unless the municipality, acting through its duly authorized governing body or officer, determines that:
 - (1) there is no feasible and prudent alternative to the use or taking of such land; and
 - (2) The program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use or taking.
- (b) a finding may be made only after notice and a hearing as required by this chapter.

Below is the justification provided by the developer that addresses the State code requirements:

1. No Feasible and Prudent Alternative

- The Roark Branch Sanitary Sewer is identified as a 5-year CIP Project in the City of Denton's Wastewater Master Plan Capital Improvement Plan and is necessary to serve the southwest portion of the City of Denton. The proposed alignment generally follows Roark

Branch and is consistent with that shown in the Wastewater Master Plan which shows the alignment crossing the park property. (See Exhibit 5- Denton Wastewater Master Plan CIP).

- An existing 20-foot-wide sanitary sewer easement crosses Tamarack Park south of the proposed alignment closer to Roark Branch. Utilization of this easement was explored and determined to be a less favorable alternative for the following reasons:
 - The easement is not wide enough.
 - The easement would have to be widened an additional 30' to meet City of Denton requirements.
 - The entire easement is located within the existing Water Related Habitat that consists of a heavily vegetated bottomland hardwood forest. Utilizing the existing easement would require significant tree removal and permanent impacts to the ESA.
 - The street and lots north of Tamarack Park in Vintage Village, Phase 1, were recently completed and do not have room to accommodate the large sewer line.
- The proposed sewer line in Vintage Park will replace the existing sewer line located in an existing easement within the Vintage Park property. The proposed sewer line follows the alignment of the existing sewer line, and an additional easement area is required to accommodate current requirements of the City of Denton Utility Department.

2. Minimize Harm to the Land

- Environmental Sensitive Areas (ESA) have been assessed along the alignment of the Roark Branch Sewer project. The assessment was reviewed and approved by the City of Denton as project number ESA24-0001. A significant portion of the park properties lie within ESAs. Exhibits 6,7, and 8 show the relationship of the ESAs to the proposed sewer line. The sewer alignment has been determined to minimize encroachments into water related and riparian buffer ESAs. The line will be directionally bored where encroachments cannot be avoided.
- The proposed alignment runs along the north edge of Tamarack Park and utilizes an existing 8-foot-wide public utility easement adjacent to the ROW of Edge Way allowing for the sewer easement width to be reduced in this area and to be immediately adjacent to the already built environment that is Vintage Village Phase 1.

Fee Determination:

1. Tree Mitigation-

- Tree mitigation is not required for this sewer line because it is on the City's Wastewater Master Plan. The trees being removed are documented on the utility construction plans, and the Director may authorize the removal of protected trees for the construction of public improvements including major collection lines for sanitary sewer designated for construction on the City's water and wastewater master plans.

2. Utility Easements-

- The City of Denton, as owner and manager of public improvements for major water and wastewater collection lines, may acquire necessary easements without fee. Park land disturbed during this activity will be returned to its original condition or better. Any utilities that encroach within an environmentally sensitive area will be constructed using directional boring rather than open trenching.

OPTIONS

Recommend approval or denial of the request.

RECOMMENDATION

Parks, Recreation, and Beautification Board recommend approval. (5-0)

After reviewing all alternatives, staff recommend support granting the proposed easements. The Parks and Recreation Department confirms that all feasible and prudent alternatives have been explored and all reasonable planning to minimize harm to the land has been achieved.

Additionally, there is no impact on PARD's plans, current operations, or programs. This project adds value to the city by facilitating a path for future trails to be constructed along Roark Branch, and it supports the growth and development of the City of Denton. Furthermore, the alignment of this public utility is identified in the Denton Wastewater Master Plan that was approved by the City Council in May 2024.

ESTIMATED SCHEDULE OF PROJECT

Pending approval of this request, Hillwood Communities plans to start construction in the Summer of 2025 with an estimated duration of 6 months within the parks.

FISCAL INFORMATION

The estimated easement costs will not be assessed for this public improvement.

| Type of Request | Acres Impacted | Estimated Payment |
|--|-----------------------|--------------------------|
| Vintage Park - 20' Temporary Construction Easement | 0.3836 | \$0 |
| Vintage Park – Variable width Public Utility Easement | 2.6535 | \$0 |
| Tamarack Park – Variable width Public Utility Easement | 1.3318 | \$0 |

EXHIBITS

Exhibit 1- Agenda Information Sheet
Exhibit 2- Ordinance
Exhibit 3- Presentation
Exhibit 4- Preliminary Alignment Analysis
Exhibit 5- Roark GIS Overlay
Exhibit 6- Denton Wastewater Master Plan CIP
Exhibit 7- Vintage Park Exhibit
Exhibit 8- Tamarack Park Exhibit
Exhibit 9- Vintage Sewer Easement Legal Survey
Exhibit 10- Vintage Construction Access Easement
Exhibit 11- Tamarack Sewer Easement Legal Survey
Exhibit 12- Tree Data
Exhibit 13- Approved ESA Assessment
Exhibit 14- Preliminary Schedule
Exhibit 15- Park Use Narrative Letter
Exhibit 16- Water Utilities Letter of Support

Respectfully submitted:
Gary Packan, Director of Parks and Recreation

Prepared by:
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